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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT: Walker, D. H. *et al.*

FILED: January 31, 2002

SERIAL NO.: 10/062,624

FOR: Homologous 28-kilodalton
Immunodominant Protein Genes
of *Ehrlichia Canis* and Uses
Thereof

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ART UNIT:
1645

EXAMINER:
Baskar, P.

DOCKET:
D6152CIP2/D1

The Assistant Commissioner of Patents and Trademarks
BOX NON-FEE AMENDMENT
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

Responsive to the Restriction requirement mailed March 18, 2003 in the above-referenced patent application, Applicants hereby elect Group IV, claims 12-13, drawn to a recombinant protein with amino acid sequence SEQ ID NO: 40, with traverse.

Applicants respectfully argue that the protein species in Groups I-VII are integrally related. The SEQ ID Nos. 2, 4, 6, 40, 42, 44, and 46 represent the products of p28 genes within a single multigene locus in the *E. canis* genome. In addition to being related by significant sequence identity, the genes in the p28 locus also function together in *E. canis* for a single purpose, to escape the host's immune response. The expression of genes is varied within the locus, in turn to vary presentation of P28 surface antigens. The protein sequences recited are therefore an integral part of a unified concept in

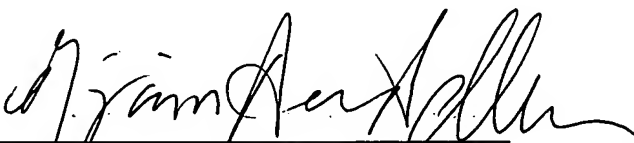
the Applicant's invention, the characterization of a single multigene locus that controls the mechanism that *E. canis* has evolved to circumvent the host immune system.

Accordingly, Applicants submit that a search of the prior art would not unduly burden the examiner, as a search of any single species recited in Groups I-VII would reveal any relevant prior art related to the remaining species. Accordingly, Applicants request that the election of species under 35 U.S.C. §121 be withdrawn.

This is intended to be a complete response to the Office Action mailed March 18, 2003. Should any fees be due, please debit Deposit Account 07-1185.

Respectfully submitted,

Date: 5/13/03


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